

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

NAJEEB AHMED KHAN,

Debtor.

Chapter 11

Case No. 19-04258 (SWD)

**CHAPTER 11 TRUSTEE'S APPLICATION FOR
AUTHORITY TO EMPLOY REAL ESTATE BROKER,
RUSS LYON SOTHEBY'S INTERNATIONAL REALTY**

Mark T. Iammartino, (the "Chapter 11 Trustee"), not individually but solely as Chapter 11 Trustee for the estate of Najeeb Khan (the "Debtor"), submits this Application for Authority to Employ Russ Lyon Sotheby's International Realty as Broker (the "Application") based upon the following:

1. Najeeb Ahmed Khan (the "Debtor") filed a petition for relief under Chapter 11 of the Bankruptcy Code on October 8, 2019 (the "Petition Date").

2. Pursuant to the *Order Approving Appointment of Chapter 11 Trustee [Docket No. 137]* dated October 29, 2019 and the *Acceptance of Appointment [Docket No. 166]* filed November 4, 2019, Mark. T. Iammartino, is the duly appointed, acting and qualified Chapter 11 Trustee in this case.

3. On November 1, 2019, the United States Trustee appointed an official committee of unsecured creditors [Docket No. 155] (the "Committee").

4. Among the assets of this estate is real property commonly known as 10040 E. Happy Valley Road, #789, Scottsdale, Arizona 85255 (the "Property")

5. It is necessary the Property be sold in the administration of this Chapter 11 proceeding.

6. In order to most effectively sell said Property, the Trustee has solicited the assistance of Russ Lyon Sotheby's International Realty ("Russ Lyon" or "Broker"), whose address is 7669 E. Pinnacle Peak Rd., Suite 110, Scottsdale, Arizona 85255, to facilitate the marketing and sale of the Property. Russ Lyon has extensive experience selling property for which the services are sought and is familiar with the market in the Scottsdale, Arizona area.

7. Based upon the foregoing, the Chapter 11 Trustee desires to employ Broker to facilitate the purchase of said Property. Pursuant to 11 U.S.C. § 328(a) and the Exclusive Right to Sell Listing Contract attached hereto as **Exhibit A**, in consideration for said services, the Broker will receive, upon consummation and from the proceeds of the sale, a real estate commission of 6% of the gross purchase price. The Chapter 11 Trustee has investigated the commission structure of other professionals in the industry with comparable credentials and believes that the Broker's commission is consistent with the market for similar services. The Broker has been informed and understands that no sale may be consummated until after notice and a hearing and that no commission or fees may be paid without prior Court approval.

8. Chapter 11 Trustee is informed and believes and therefore alleges that the employment of said Broker on the terms and conditions provided for herein is in the best interest of the estate.

9. Prior to the filing of the bankruptcy petition in this proceeding, Broker had the Property listed for sale.

10. Except as set forth in this Application and based upon the Declaration of Broker attached hereto as **Exhibit B**, Broker has no connection with the Debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee, and no partner, member or regular associate

of the Broker has any connection with the Debtor, creditors, or any other party in interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee. Further, the Broker does not hold or represent an interest adverse to the Debtor or the estate. Said Broker is a disinterestedness person within the meaning of 11 U.S.C. § 101(14) and an Affidavit of Disinterestedness for the proposed Broker is submitted herewith as required by 11 U.S.C. § 101(14).

11. Said Broker is aware of the provisions of 11 U.S.C. § 328(a) and has agreed, notwithstanding the terms and conditions of employment herein set forth, that the Court may allow compensation different from the compensation provided herein if such terms and conditions prove to have been improvident in light of developments unanticipatable at the time of the fixing of such terms and conditions.

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WHEREFORE, the Trustee prays that the employment of Russ Lyon Sotheby's International Realty as the real estate broker as provided above be approved.

Dated: January 21, 2020

Respectfully submitted,

MARK IAMMARTINO, Chapter 11 Trustee

/s/ Nicholas M. Miller

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